

other time.



Gerald Herbert/Associated Press

ue of steroid use by players

gling pastime by
e runs in a season.
showed up Thurs-
tation will never

one of five cur-
superstars who
plating afternoon
from a congress-
e determined to
cleaning up its
and performance-
A sixth super-
as of the Chicago

White Sox, made a one-minute
statement by videoconference
from Tucson, where he is rehab-
bing a sore ankle.

When the spectacle ended and
the TV lights went off, nobody
went home happy. Future hear-
ings are possible, and some law-
makers threatened that if baseball
doesn't solve its problems, legisla-
tion could be forthcoming.

Commissioner Bud Selig and

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IN SPORTS

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their sport's predicament. C1

Scrutiny: Players, owners react. C10

N IRAQ: TWO YEARS LATER

sorrow, joy as it alters lives

adam Hussein
e day the Ma-
the capital.
s being kissed
Iraqi man and
lower by an-
ents of Bagh-
eamed around

other side of
d in the tear-
the parents,

spouses, friends and children left
behind by the 45 Arizonans who
have died fighting in Iraq.

Each of those faces is heart
melting.

'I cry a lot'

Dennis Wahrer, a Vietnam War
veteran from Tucson, says he lost
his stepson and wife within days of

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Feds' antitrust inquiry targets Ariz. builders, telecom firms

By Max Jarman
The Arizona Republic

The U.S. Department of Jus-
tice is investigating whether
exclusive agreements between
Arizona developers and com-
munications companies, such
as Cox and Qwest, violate anti-
trust laws.

Arizona Sen. John McCain
also is concerned about the
agreements and has questioned
local telecommunications-com-
pany executives about the prac-
tice, a Cox Communications of-
ficial said.

Cox officials have defended
the agreements, saying they do
not prevent competition. The
Justice Department could take
action to ban or limit the prac-
tice if it determined otherwise.

In a so-called preferred-pro-
vider agreement, a developer
grants a firm, such as Cox or
Qwest, exclusive rights to mar-
ket its services inside a subdivi-
sion's model-home offices and
gives it other advantages that

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The AZ Republic 18 March 2005 Front Page

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those who have returned

Roll call: Arizonans

A roll call of

with us, and

FEDS Preferred-provider pacts investigated

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+ may discourage competitors. In some cases, home buyers are locked into paying for Internet or telephone service through homeowners association dues, so if they want a competitor's service, they have to pay on top of the dues or, in effect, pay twice.

If the Justice probe or McCain's concerns lead to a limit on the practice, it could offer consumers more choices but also stanch a revenue source for developers, who often get a cut of the fees.

The agreements also help ensure that up-to-date equipment is installed on time in a subdivision.

Cox confirmed that it has received subpoenas from the Department of Justice's antitrust division seeking information about the agreements but would not comment further.

"We have received a subpoena and will cooperate fully," Cox spokesman Ivan Johnson said.

Steve Rizley, vice president and general manager of Cox's operations in Arizona, said he was questioned recently about the deals by McCain in Washington.

McCain, a member of the Senate Commerce, Science and Transportation Committee, and a Justice Department spokesman could not be reached for comment.

The subpoenas ask for documents and responses and indicate the Justice Department is

looking into whether the agreements constitute restraint of trade and a monopoly or an attempt to create one.

The growing trend of provider agreements was first reported in *The Arizona Republic* a few weeks ago, and telecom officials said the article led to inquiries by McCain. The March 2 article reported that most new residential developments in the Phoenix area have preferred providers and that some consumers were unhappy with the lack of choice.

It is the second controversy that has arisen in recent weeks over special arrangements and payments in the real estate industry. Insurance regulators in many states, including Arizona, also are probing kickbacks paid by title-insurance companies to home builders in return for being steered business. In Colorado, investigators found that kickbacks were paid to some of the largest builders in the Southwest and Arizona and three home builders based in the Valley.

The Justice Department's probe centers on an agreement between Cox Communications and developer Sunbelt Holdings at the 17,000-home Vistancia development in Peoria. The agreement gives Cox exclusive rights to market its products inside the model-home offices and in development newsletters and brochures. The agreement and a reported \$1 million service fee charged by a Sunbelt affiliate prompted competitor Qwest Communications

International to stay out of the development.

But another small company, Accipiter Communications, complained to the Arizona Corporation Commission that the agreement was unfairly keeping it from providing telephone and Internet service to the area. Accipiter also confirmed Thursday that it received subpoenas from the Justice Department over the agreements.

Sunbelt's Chief Operating Officer Curt Smith said the company had no comment on whether it also received a "civil investigative demand," or form of subpoena, from the government. Qwest has not been served regarding the investigation.

Cox has filed responses with the Corporation Commission, saying it believes the agreements are legal and don't prevent competition.

Experts also say the industry is rapidly changing to consumers' benefit, as satellite companies offer television and Internet service and telephone companies push Internet and video. Internet phone service also is growing.

Preferred-provider agreements are popular in other cities, but the practice was pioneered in the Phoenix area in 1996 when home builder DMB Associates struck an exclusive deal with Qwest to install a system at DC Ranch in Scottsdale. At the time, new homeowners in some areas were waiting months for telephone service to be provided.

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